

# **EXHIBIT D**

**Case No. 21-CV-0811-TSZ**

**(Motion to Substitute Expert Witness)**

**Subject:** RE: [EXTERNAL]RE: Bungie Inc v. Aimjunkies.com et al -- W.D. WA Case No. 2:21-cv-00811-TSZ -- Request for telephonic hearing pursuant to W.D.WA LR 26(i)

**From:** Tyler Lichter <Tyler\_Lichter@wawd.uscourts.gov>

**Date:** 6/7/23, 10:27 AM

**To:** John Du Wors <John@newmanlaw.com>, "Marcelo, Christian W. (SEA)" <CMarcelo@perkinscoie.com>

**CC:** "Rava, William C. (SEA)" <WRava@perkinscoie.com>, "Dini, Jacob (SEA)" <JDini@perkinscoie.com>, Phil Mann <phil@mannlawgroup.com>, Chy Eaton <chy@newmanlaw.com>, Alexis Brewer <alexis@newmanlaw.com>

Counsel,

We will not hold a teleconference today. If you are unable to resolve the dispute this afternoon, the Court requests that the parties respond to this email by COB today and provide a short summary of the issues.

Thank you,

Tyler Lichter

Law Clerk to Hon. Thomas S. Zilly

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**From:** John Du Wors <John@newmanlaw.com>

**Sent:** Wednesday, June 7, 2023 9:33 AM

**To:** Marcelo, Christian W. (SEA) <CMarcelo@perkinscoie.com>; Tyler Lichter <Tyler\_Lichter@wawd.uscourts.gov>

**Cc:** Rava, William C. (SEA) <WRava@perkinscoie.com>; Dini, Jacob (SEA) <JDini@perkinscoie.com>; Phil Mann <phil@mannlawgroup.com>; Chy Eaton <chy@newmanlaw.com>; Alexis Brewer <alexis@newmanlaw.com>

**Subject:** RE: [EXTERNAL]RE: Bungie Inc v. Aimjunkies.com et al -- W.D. WA Case No. 2:21-cv-00811-TSZ -- Request for telephonic hearing pursuant to W.D.WA LR 26(i)

**CAUTION - EXTERNAL:**

Dear Mr. Lichter,

Thank you kindly for the promptness of your response. To clarify, I did, indeed, mean to preview a telephonic motion under LR 7(i). As counsel for Bungie reports unavailability today at 2:30, we will of course participate at whatever time suits the Court. But we are concerned about the time-sensitivity of this matter. We fear that lack of resolution may impact Mr. Kraemer's ability to meet the Friday deadline for submitting his expert report in this matter. Accordingly, we would be grateful to speak with you as soon as is convenient for you and all counsel.

May we respectfully request the soonest alternate time that works?

Thank you.

-John Du Wors

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**From:** Marcelo, Christian W. (SEA) <[CMarcelo@perkinscoie.com](mailto:CMarcelo@perkinscoie.com)>

**Sent:** Wednesday, June 7, 2023 9:19 AM

**To:** Tyler Lichter <[Tyler\\_Lichter@wawd.uscourts.gov](mailto:Tyler_Lichter@wawd.uscourts.gov)>; John Du Wors <[John@newmanlaw.com](mailto:John@newmanlaw.com)>

**Cc:** Rava, William C. (SEA) <[WRava@perkinscoie.com](mailto:WRava@perkinscoie.com)>; Dini, Jacob (SEA) <[JDini@perkinscoie.com](mailto:JDini@perkinscoie.com)>; Phil Mann